

## PROCEEDINGS OF THE STURGIS CITY COUNCIL

The Common Council of the City of Sturgis met in regular session starting at 6:00 p.m. on Monday, November 21, 2016 at the Erskine Building. Present: Mayor Mark Carstensen, Alderpersons Jason Anderson (arrives at 6:12pm), Rhea Crane, Rod Bradley, Tony Dargatz, David Martinson and Ronald Waterland. Also present: City Manager Daniel Ainslie and City Attorney Greg Barnier. Absent: Mike Bachand and Steve Keszler.

Motion by Waterland, second by Dargatz and carried with all members present voting yes to approve the agenda.

Motion by Martinson, second by Crane and carried with all members present voting yes to go into executive session for one legal case, one contract and one personnel at 6:02 pm.

Motion by Tony, second by Waterland to return to regular session at 6:37 pm.

Mayor Mark Carstensen led everyone in the Pledge of Allegiance.

### Announcements:

- The Sturgis Liquor store will be participating in Black Friday.
- The Sturgis Library will be having a sale of books and puzzles on December 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup>.
- The Christmas tree lighting will be on December 1<sup>st</sup> and the Parade of Lights will be on December 2<sup>nd</sup>.
- Mayor Carstensen proclaimed November 26<sup>th</sup> Small Business Saturday.

### Informational Reports:

- Cody Gunsteneon, representative for Buxton, gave a PowerPoint presentation on their Company that enhances business retention, expansion and recruiting for communities.

### City Manager Ainslie reported:

- Payroll Changes – within budget:
  1. Planning & Permitting – Director – David Smith - \$2038.46/pay period.
  2. Manager/Planning & Permitting – Seasonal Administrative Assistant – Aaron Munsell - \$11.00.

Motion by Waterland, second by Anderson and carried with all members present voting yes to approve the following items on the consent calendar with the exception of removing h & i:

- a. Consideration to approve the minutes from the November 7, 2016 regular council.
- b. Consideration to approve setting a public hearing on December 5, 2016 for the Knuckle Saloon a Special Events License for the Liquor Store Open House on December 9, 2016.
- c. Consideration to approve Resolution 2016-64 – Plat for Peter & Elaine Pi, Boehrs Subdivision

## **RESOLUTION 2016-64 RESOLUTION APPROVING PLAT**

**WHEREAS**, the statutes of the State of South Dakota require that plats of property within the jurisdiction of the City of Sturgis be submitted to the governing body for approval before the same are recorded in the Office of the Register of Deeds; and

**WHEREAS**, the City of Sturgis Planning and Zoning have presented to the Common Council of the City of Sturgis a plat of the following described real property for Pinnacle Land Company, LLC – Peter R, Pi, IV and Elaine Pi:

Plat of Lot 2, Lot 3 and Lot 4 of Boehrs Subdivision. Formerly the S1/2 of the NE1/4 of Section 8, Excepting Lot JW-1 and Tract B of the Tysdal Subdivision, Tract A of Jackpine Gypsies Subdivision, Lot 1 of Boehrs Subdivision AND Previously Dedicated Public Right-of-Way. Located in Township 5 North, Range 5 East, Black Hills Meridian, Meade County, South Dakota.

**WHEREAS**, said plat meets the requirements of the statutes in all things, now therefore,

**BE IT RESOLVED** by the Common Council of the City of Sturgis, South Dakota, that the within and foregoing plat is hereby approved.

Dated this 21<sup>st</sup> day of November, 2016.

Published: 12-07-2016

Effective: 12-28-2016

- d. Consideration to approve setting a public hearing on December 5, 2016 for a transfer of Retail on-off sale Malt Beverage license from Poker Alice Casino to Lorna Duprel at 2640 Lazelle.
- e. Consideration to approve the Sturgis Parade of Lights route on December 2, 2016.
- f. Consideration to approve Resolution 2016-65 – Bridge Improvement Grant Program.

#### **RESOLUTION 2016-65**

#### **BRIDGE IMPROVEMENT GRANT PROGRAM RESOLUTION AUTHORIZING SUBMISSION OF APPLICATIONS**

WHEREAS, the City of Sturgis wishes to submit an application/applications for consideration of award for the Bridge Improvement Grant Program:

STRUCTURE NUMBER(S) AND LOCATION(S):

47-024-427 is located on 9th Street in the City of Sturgis over Bear Butte Creek

and WHEREAS, N/A certifies that the project(s) are listed in the county's Five-Year County Highway and Bridge Improvement Plan\*;

and WHEREAS, City of Sturgis agrees to pay the 20% match on the Bridge Improvement Grant funds;

and WHEREAS, City of Sturgis hereby authorizes the Bridge Improvement Grant application(s) and any required funding commitments.

NOW THEREFORE BE IT RESOLVED:

That the South. Dakota Department of Transportation be and hereby is requested to accept the attached Bridge Improvement Grant application(s).

Vote of Commissioners/Council: Yes 7 No 0

Dated at Sturgis, SD, this 21<sup>st</sup> day of November, 2016.

Published: 12-07-2016

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- g. Consideration to authorize Mayor to sign the Agreement with SD DOT for the purchase of a truck & snowplow for the airport.
- ~~h. Consideration to authorize the City Manager to sign the Funding Agreement (our-portion \$15,668.36) for the temporary traffic signal at Highway 14A and Short Track Road.~~
- ~~i. Consideration to approve Amendment #1 to Agreement 714589 with SD DOT for traffic signals at Highway 14A and Short Track Road for this temporary new traffic signal.~~

Motion by Bradley, second by Dargatz and carried with all members present voting yes to authorize the City Manager to sign the Funding Agreement (our-portion \$15,668.36) for the temporary traffic signal at Highway 14A and Short Track Road (Moose Drive).

Motion by Bradley, second by Waterland and carried with all members present voting yes to authorize the City Manager to sign Amendment #1 to Agreement 714589 with SD DOT for traffic signals on State highway system for this temporary new traffic signal at Highway 14A and Short Track Road. (Moose Drive).

Motion by Crane, second by Martinson and carried with all members present voting yes to approve the following claims with the addition of SMRi:

**WAGES** – Ambulance \$52,499.35; Attorney \$6749.66; Auditorium \$358.99; Buildings \$2158.99; Cemetery \$4835.97; City Manager \$9169.44; Community Center \$21,256.73; Finance Office \$17,118.56; Fire Department \$443.95; Human Resource \$5092.58; Library \$16,886.75; Liquor \$27,081.38; Mayor and Council \$7109.00; Parks \$19,754.28; Planning & Permitting \$13,957.72; Police \$75,852.55; Rally \$13,301.94; Recreation \$6867.82; Sanitary Service \$28,182.57; Streets \$24,570.72; Wastewater \$16,420.87; Water \$25,930.85; Federal Withholding \$36,253.30; FICA \$34,137.45.

**COMBINED CASH FUND** – Brian & Robin Eddington, \$61.32, refund; First Interstate Bank, \$2,000.00, ATM.

**GENERAL** – A&B Business, \$150.57, sup; A&B Welding, \$51.18, rep; Alex Air Apparatus, \$330.10, sup; Amcon Distributing, \$270.55, resale; Argus Leader, \$256.16, pub; Black Hills & Badlands Tourism Assn, \$2,295.00, sup; Black Hills Chemical, \$925.09, sup; Black Hills Energy, \$14,513.57, util; Black Hills Finance Office, \$30.00, other; Black Hills Urgent Care, \$60.00, prof fee; Sean Briscoe, \$500.00, ins; Kathy Bulau, \$9.95, travel; Campbell Supply, \$303.13, sup; CBH, \$8,920.99, sup; Coca Cola, \$468.00, sup; Dakota Battery & Electric, \$149.90, rep; Dakota Hardware, \$481.95, sup; Double Star Computing, \$5,056.04, sup; Ecolab Pest Eliminator, \$658.89, rep; Eddies Truck Sales, \$73.64, rep; Epic Outdoor Advertising, \$1,750.00, rent; First Interstate Bank MasterCard, \$102,983.26, sup; Genpro Energy Solutions, \$684.69, rep; Great Western Tire Co, \$288.35, rep; Rod Heikes, \$500.00, ins; Homeslice Media Group, \$3,500.00, pub; Iron Horse Saloon, \$396.00, mdse; J&L Services, \$1,365.00, rep; Jackson Lewis, \$3,711.50, prof fee; Jambonz Grill & Pub, \$375.00, sup; Lawson Products, \$43.25, rep; Leaning Door Enterprises, \$50.00, rep; Ron Ledford, \$60.00, other; Legends Sales & Marketing, \$938.37, travel; Lynn's Dakotamart, \$320.70, sup; Midco Business, \$42.60, util; Annette Moore, \$500.00, ins; Motion Industries, \$150.27, rep; Owens Interstate Sales, \$236.37, rep; Park Avenue Car Wash, \$9.00, sup; Pete Lien & Sons, \$85.00, sup; Powerplan, \$1,127.05, rep; Ramkota Hotel, \$367.96, travel; Regional Health, \$25.00, prof fee; Robert Sharp & Associates, \$2,968.55, pub;

Rushmore Office Supply, \$722.24, sup; Sacrison Asphalt, \$465.60, sup; Sam Erion Construction, \$244.80, sup; Shopko Stores, \$298.15, sup; Jeanie Shyne, \$500.00, ins; SMRI, \$27,500.00, other; Speedy Lube, \$53.99, rep; Sturgis Motorsports, \$74.91, sup; Sturgis NAPA, \$327.07, rep; Sturgis Rally Charities Foundation, \$1,300.00; Steve Tucker, \$15.50, rep; Vanway Trophy & Award, \$44.15, other; VAST, \$2,069.89, util.; Doug Wagner, \$1,000.00, ins; Weimer's Diner & Donuts, \$22.80, other; West Payment Center, \$160.32, prof fee; Xtreme Dakota Bicycles, \$600.00, sup.

**SPECIAL SALES TAX** – Black Hills Energy, \$174.74, util; BAST, \$312.30, util.

**CAPITAL IMPROVEMENT** – Affordably Creative Engineering, \$2,435.00; Black Hills roofing, \$123,779.41; Complete Concrete, \$17,783.73; Fourfront Design, \$4,550.31; Lumichron, \$2,824.85; Meade County Title, \$250.00.

**LIQUOR** – A&B Welding, \$9.90, sup; Amcon Distributing, \$255.48, resale; Arctic Glacier, \$256.34, resale; Black Hills Security & Systems, \$442.86, other; Cask & Cork, \$1,630.50, resale; Chris Supply, \$19.72, rep; Coca Cola, \$503.95, resale; Double Star Computing, \$299.69, prof fee; Ecolab Pest Eliminator, \$110.75, rep; Fat Boys, Inc., \$237.50, resale; First Interstate Bank MasterCard, \$555.18, resale; Fisher Beverage, \$7,101.75, resale; Homeslice Media Group, \$5,600.00, pub; Johnson Western Wholesale, \$24,128.60, resale; LPA retail Systems, \$127.50, prof fee; Midco Business, \$175.00, util.; Pepsi Cola, \$304.80, resale; Prairie Berry, \$649.00, resale; Quality Brands, \$11,630.60, resale; Republic Beverage, \$17,846.14, resale; Republic, \$14,696.84, resale; Rushmore Office Supply, \$265.75, sup; Schade Vineyard, \$264.00, resale; Southern Glazer's of SD, \$533.90, resale; Sturgis NAPA, \$115.36, rep; VAST, \$293.79, util;

**WATER** – Advanced Engineering & Environmental, \$41,600.00, cap imp; Affordably Creative Engineering Services, \$1,610.00, cap imp; Bierschbach Equipment, \$885.21, rent; Black Hills Energy, \$9,201.76, util.; Campbell Supply, \$125.51, rep; CBH, \$518.56, sup; Dakota Hardware, \$12.08, sup; Dan's Dumpster Service, \$310.15, other; Double Star Computing, \$518.82, prof fee; Ecolab Pest Eliminator, \$62.10, prof fee; First Interstate Bank MasterCard, \$175.97, rep; Hawkins, \$45.00, sup; HD Supply Waterworks, \$1,119.09, sup; Nikki Kubo, \$500.00, ins; Meade County Times Tribune, \$235.77, pub; Nohava's Custom Construction, \$7,000.00, rep; Owens Interstate Sales, \$6.08 sup; Pete Lien & Sons, \$62.50, sup; Rapid Construction Co., \$61,728.70, cap imp; Richter's Tire & Exhaust, \$23.09, rep; Rushmore Office Supply, \$62.28, pub; SD One Call, \$81.76, prof fee; Shopko Stores, \$31.67, sup; VAST, \$140.32, util.

**WASTEWATER** – Advanced Engineering & Environmental, \$5,340.20, cap imp; American Engineering Testing, \$1,630.050, cap imp; Campbell Supply, \$35.65, rep; City of Belle Fourche, \$65.24, other; Dakota Hardware, \$5.59, rep; Double Star Computing, \$488.82, prof fee; Great Western Tire Co, \$841.00, sup; Lawson Products, \$53.75, rep; Lynn's Dakotamart, \$8.15, rep; Meade County Weed & Pest, \$2,515.02, other; Midcontinent Testing Lab, \$529.20, prof fee; Owens Interstate Sales, \$17.59, rep; PKG contracting, \$215,448.78, cap imp; Powerplan, \$360.08, sup; Sturgis NAPA, \$97.21, rep; USA Blue Book, \$80.03, sup; Wells Plumbing, \$76.95, rep.

**SANITATION** – Allstate Peterbilt of Rapid City, \$277.22, rep; Black Hills Energy, \$263.46, util.; Campbell Supply, \$23.03, rep; CBH, \$1,592.80, sup; City of Belle Fourche, \$18,936.54, other; Diesel Machinery, \$2,285.71, rep; Double Star Computing, \$466.32, prof fee; First Interstate Bank MasterCard, \$472.37, rep; Kieffer Sanitation, \$1,368.00, other; Lawson Products, \$43.25, rep; Leaning Door Enterprises, \$53.75, rep; Meade County Weed & Pest, \$2,515.02, other; Owens Interstate Sales, \$347.13, rep; Rapid Delivery, \$14.95, rep; Sturgis NAPA, \$187.59, rep.

**AMBULANCE** – A&B Welding, \$153.16, sup; Black Hills Energy, \$556.94, util.; Coca Cola, \$6.00, sup; Dale's Tire & Retreading, \$223.06, sup; Double Star computing, \$193.69, prof fee; Ecolab Pest Eliminator, \$38.22, rep; First Interstate Bank MasterCard, \$1,934.99, travel; Lynn's Dakotamart, \$86.85, sup; Physio-Control, \$497.00, sup; Regional Health, \$828.38, sup; Richter's Tire & Exhaust, \$1,238.44, rep; Rushmore Office Supply, \$57.28, sup; Shopko Stores, (\$19.15), sup; Sturgis NAPA, \$173.66, rep; Tom Price, \$5,421.00, other; VAST, \$150.46, util.

Motion by Waterland, second by Anderson and carried with all members present voting yes to approve a Use on Review for William and Brooke Coshow, 1218 Cedar Dr, for a light machining and gun smith home based business. This is a one-year use on review.

Motion by Anderson, second by Martinson and carried with Carstensen, Anderson, Crane, Dargatz, Martinson and Waterland voting yes, Bradley abstaining, to approve the liquor license renewal for 2017 for Low Country Oysters of Sturgis LLD dba The Beaver Bar at 12976 Hwy 34.

A letter was received from Fisher Furniture stating their concerns on this ordinance.  
Motion by Bradley, second by Crane and carried with Carstensen, Anderson, Bradley, Crane, Dargatz voting yes, Martinson abstaining and Waterland voting no, to approve second reading of Ordinance 2016-10 – Title 2 – Contractor Licensing & Construction Regulations.

## **ORDINANCE 2016-10**

### **AN ORDINANCE AMENDING TITLE 2– CONTRACTORS’ LICENSING AND CONSTRUCTION REGULATIONS**

BE IT ORDAINED by the Common Council of the City of Sturgis, Meade County, South Dakota that Title 2 –Contractors’ Licensing and Construction –Chapter 2.01 – General Provisions - Chapter 2.02 – Building Code and Construction Standards; Chapter 2.03 – Building Inspector and Building Permits; Chapter 2.04 – Licensing and Regulation of Construction Contractors; Chapter 2.05 – Electrical Contractor License; Chapter 2.06 – Plumbing Contractor License; Chapter 2.07 – Building and Structure Mover License; Chapter 2.08 - Licensing and Regulation of Public Excavation; Chapter 2.09 – Revocation of Licenses; Chapter 2.10 – Fences; Chapter 2.12 – Miscellaneous and Chapter 2.13 – Appeal Process be amended to read as follows:

## **TITLE 2**

### **CONTRACTORS’ LICENSING AND CONSTRUCTION REGULATIONS**

Chapters:

- 2.01: General Provisions
- 2.02: Building Code and Construction Standards
- 2.03: Building Inspector and Building Permits
- 2.04: Licensing and Regulation of Construction Contractors
- 2.05: Electrical Contractor License
- 2.06: Plumbing Contractor License
- 2.07: Building and Structure Mover License
- 2.08: Licensing and Regulation of Public Excavations
- 2.09: Revocation of Licenses
- 2.10: Fences
- 2.11: Erosion Control Regulations
- 2.12: Miscellaneous
- 2.13: Appeal Process

## **CHAPTER 2.01 GENERAL PROVISIONS**

SECTIONS:

- 2.01.01: Scope and Purpose
- 2.01.02: Definitions for Title

2.01.03: Penalty

**2.01.02 DEFINITIONS**

**BUILDING INSPECTOR:** The Building Inspector shall be any person appointed by the City Manager including any designees to perform this duty as provided by this Title.

**CONSTRUCTION:** The act of construction including but not limited to, the rough framing, remodeling, shingling, siding, new construction, concrete, alteration, addition, repair, improvements, or erection of buildings, erection or installation of signs requiring a permit under the provisions of Title 30 of Sturgis City Ordinances, or installation of all construction required to possess a permit within the city.

**CONSTRUCTION STANDARDS:** The City approved specifications for the installation of streets, water, sewer and storm sewer improvements within the public right of way or established utility easements.

**CONTRACTOR:** Any person engaged in or performing construction activities as defined in this Title, or who oversees and/or participates in the act of commercial or residential construction and/or excavation on property other than that owned and occupied by that person, them as their primary residence, or occupied by the person as a Qualified Owner, and who is responsible to the owner for completion of the work. This definition includes any person who is engaged in the act of residential construction and/or excavation, not under contract with a general contractor, **on** any property other than that owned and occupied by them as their primary residence or for which the person is a Qualified Owner. This definition shall include any person who provides contracted construction activities for a fee.

**QUALIFIED OWNER:** A person holding an ownership interest, as demonstrated by the records of the Equalization Office, Office of Secretary of State, IRS records and documents, or other comparable evidence of ownership, in the property listed as the worksite in the Permit application and for which the exemption is claimed.

**CHAPTER 2.02**  
**BUILDING CODE AND CONSTRUCTION STANDARDS**

**SECTIONS:**

- 2.02.01: Adoption of Building Code
- 2.02.02: Authority of Building Inspector to Prepare Manual of Construction Guidelines
- 2.02.03: Additions, Alterations and Repairs
- 2.02.04: Maintenance
- 2.02.05: Historic Preservation
- 2.02.06: Alternate Materials and Methods of Construction
- 2.02.07: Modifications
- 2.02.08: Tests

**2.02.05: HISTORIC PRESERVATION**

After receipt of the Permit application and with prior written authorization of the Building Inspector, repairs, alteration and additions necessary for preservation or continued use of the building may be made even if these repairs, alteration and additions are not in conformance to the requirements of this Title. The Building Inspector's authorization is conditional upon the following:

- A. Completion of all requirements of SDCL § 1-19A-11.1;

- B. The building or area having been designated by action of the legally constituted authority of the jurisdiction as having special historical or architectural significance;
- C. Any unsafe conditions are corrected; and
- D. The restored building or area will not be more hazardous, based on life, safety, fire safety and sanitation regulations, than the existing construction.

#### **2.02.07: MODIFICATIONS**

When there are practical difficulties involved in carrying out the provisions of this Title, the Building Inspector may grant modifications to a permit for individual cases upon receipt of a written request and after a proper review has been completed by the Inspections Office.

#### **2.02.08: TESTS**

Whenever there is insufficient evidence of compliance with any provision of this Title or any evidence that material or construction does not conform to the requirements of this Title or to industry standards, the Building Inspector may require tests as proof of compliance to be made at the expense of the property owner and at no expense to the City. All tests shall be made by an approved agency and all reports shall become property of the City.

### **CHAPTER 2.03 BUILDING INSPECTOR AND BUILDING PERMITS**

#### **SECTIONS:**

- 2.03.01: Establishment of the Office of Building Inspector
- 2.03.02: Authority of Building Inspector to Enforce
- 2.03.03: Right of Entry
- 2.03.04: Stop Orders
- 2.03.05: Liability
- 2.03.06: Cooperation of Officials and Officers
- 2.03.07: Permit Required
- 2.03.08: Application for Permit
- 2.03.09: Fees
- 2.03.10: Permit Issued
- 2.03.11: Expiration of Permit
- 2.03.12: Permit Must Be Posted
- 2.03.13: Certificate of Occupancy
- 2.03.14: Temporary Structure Permit Required
- 2.03.15: Requirements for Temporary Structures
- 2.03.16: Exempt Temporary Structures

#### **2.03.01: ESTABLISHMENT OF THE OFFICE OF BUILDING INSPECTOR**

There shall be designated a Building Inspector, who shall perform those duties and hold such authority as herein set forth, subject to the supervision of the City Manager. The City Manager may designate someone within the City to with the duties of Building Inspection.

#### **2.03.02: AUTHORITY OF BUILDING INSPECTOR TO ENFORCE**

The Building Inspector or designee shall enforce all provisions of this Title. The Building Inspector may request that the City Manager appoint any number of technical officers, deputy inspectors and other employees as is necessary to assist the Building Inspector with enforcement of this Title.

The Building Inspector or designee shall enforce all laws relating to the construction, alteration, removal and demolition of all buildings and structures within the City.

The Building Inspector or designee shall make an examination of any and all plans and specifications for structures to be built within the City, or alterations to be made in or upon any existing structures which will materially change said structures, in order to determine if said plans, specifications or alterations are in conformance with this Title.

The Building Inspector or designee shall make an examination of all applications for building permits and shall determine after said examination whether or not a permit should be granted to such applicant.

The Building Inspector or designee shall have the authority to issue building permits after the completed application has been determined in accordance with this Title, and after all required fees have been received.

The Building Inspector or designee shall have the authority to deny issuance of any permit. Said denial may be based upon failure to comply with any applicable provision of this Title, or any provision of any applicable Building Code or manual.

The Building Inspector or designee shall have the authority to order the removal of any existing building or structure which was unlawfully built or which in the opinion of the Building Inspector is dangerous and/or a safety hazard to the public.

The Building Inspector or designee shall have the authority to require specific testing and inspections in connection with the performance of construction work within the City.

The Building Inspector or designee may be authorized to enforce the Nuisance, Temporary Structure, and Temporary Merchants Ordinances, and also the City Beautification and Regulation of Advertising Ordinance of the City.

The Building Inspector or designee shall be subject to the supervision of the City Manager and hold any and all other duties and powers as specifically granted by any ordinance of the City.

### **2.03.03: RIGHT OF ENTRY**

The Building Inspector or designee shall have the authority to enter upon property in the event it is necessary to make an inspection and/or to enforce the provisions of this Title or when the Building Inspector or other official of the City has reasonable cause to believe that there exists in a building or upon a premises a condition which is contrary to or in violation of this or any Title of the Sturgis City Ordinances which makes the building or premises unsafe, dangerous or hazardous.

In exercising the aforementioned authority, the Building Inspector or designee shall take all reasonable steps possible to do the following:

- A. Enter the building or premises at a reasonable hour;
- B. In the event the premise is occupied, present his or her credentials to the occupant and request entry; and
- C. In the event the premise is unoccupied, make reasonable effort to locate the owner or other person having charge or control of the building or premises, if known, and request entry.

In the event, entry is refused, the Building Inspector shall proceed with any and all recourse and remedies provided by law to secure entry.

### **2.03.05: LIABILITY**

The Building Inspector or designee is charged with the enforcement of this Title, acting in good faith and without malice in the discharge of the duties required by this Title or other applicable



law or ordinance and shall not thereby be rendered personally liable for damages that may occur to persons or property as result of an act or by reason of an act or omission in the discharge of such duties. This Title shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any building, premises or contracting on City land for damages to persons or property caused by defects, nor shall the Building Inspector or the City be held as assuming any such liability by reason of the inspections authorized by this Title or any permits or certificates issued under this manual.

#### **2.03.06: COOPERATION OF OFFICIALS AND OFFICERS**

The Building Inspector or designee may request, and shall receive, the assistance and cooperation of other officials of the City so far as it is required for discharge of the duties required by this Title or other applicable laws or ordinances.

#### **2.03.07: PERMIT REQUIRED**

Before any person may erect or cause to be erected or constructed a building or structure within the City or causes any alterations to any existing building or structure within the City, they must obtain a Permit from the Building Inspector or designee if improvements or alterations are more than Five Hundred Dollars (\$500.00). An alteration of a building or structure shall for the purpose of this Title include but is not limited to a change to or removal of any partition, interior or exterior wall, ceiling, windows, structural member of roof system or floor, any roof repair or replacement, any deck repair or replacement, any siding repair or replacement, placement of any hard surface material including concrete or asphalt, or any digging or excavation within any Right of Way or any public easement. A Permit is not required for painting, floor coverings, soffet, gutters, and facia or minor on-going maintenance type repairs.

#### **2.03.08: APPLICATION FOR PERMIT**

To obtain a Permit from the Building Inspector or designee, the applicant must make application to the Building Inspector on forms to be furnished by the City. He or she shall include with said application the following information:

- A. A sketch or drawing of the outside wall of the floor of said improvement to be built, drawn at scale of at least  $\frac{1}{4}'' = 1.0''$  showing all measurements, the distance from property lines, distance from buildings or structures on the same parcel of land and distance from back of curb or from edge of streets;
- B. The name of the owner of the real property to be improved;
- C. The name of the contractor doing the work,
- D. If a Contractor License exemption is claimed by applicant on the basis that the work described in the application is at applicant's primary residence, so state.
- E. If a Contractor License exemption is claimed by applicant on the basis the applicant is a Qualified Owner of commercial property, so state.
- F. For an applicant claiming the Qualified Owner exemption from a Contractor License, provide proof of insurance consistent with the requirements of subsection 2.04.04 of this Title.
- G. The legal description of the property being improved;
- H. The parcel number given to the property by Meade County;
- I. The general description of the improvement and what type of building improvement is to be made;
- J. Plans for the installation of plumbing, electrical wiring, etc; and
- K. Such other information the Building Inspector or designee may request so that he/she may determine if said improvement complies with the Ordinances of the City of Sturgis and the Laws of the State of South Dakota.

#### **2.03.09: FEES**

Upon making application for a Permit, any applicant shall pay the appropriate permit fee to the City. If for any reason beyond the applicant's control he/she or it does not construct the proposed project for which the permit was issued, the amount of the permit less a Fifty Dollars (\$50.00) administrative fee may be refunded to the applicant.

The amount of an applicant's Permit fee shall be determined by reference to the following schedule. All such fees shall be paid to the Building Inspector or designee who shall remit the fees to the Finance Officer to be deposited into the general fund of the City.

#### **Permit Fee Schedule**

<b>Total Valuation</b>	<b>Fees</b>
\$501 to \$2,000 .....	\$20.00 plus \$2.50 for each additional \$100 in valuation or fraction thereof up to \$2,000
\$2,001 to \$25,000 .....	\$57.00 plus \$10.50 for each additional \$1,000 in valuation or fraction thereof up to \$25,000
\$25,001 to \$50,000 .....	\$298.00 plus \$7.50 for each additional \$1,000 in valuation or fraction thereof up to \$50,000
\$50,001 to \$100,000 .....	\$485.00 plus \$4.50 for each additional \$1,000 in valuation or fraction thereof up to \$100,000
\$100,001 to \$500,000 .....	\$710.00 plus \$4.00 for each additional \$1,000 in valuation or fraction thereof up to \$500,000
\$500,001 to \$1,000,000 .....	\$2,310.00 plus \$3.75 for each additional \$1,000 in valuation or fraction thereof up to \$1,000,000
\$1,000,001 and UP .....	\$4,185.00 plus \$2.25 for each additional \$1,000 in valuation or fraction thereof.

#### **2.03.10: PERMIT ISSUED**

The Building Inspector or designee, upon receiving said application and fee, shall examine the same. If the application is completed, the proper fee is paid, and the improvement conforms to the ordinances and laws of this City, he/she shall issue a Permit to the applicant, which shall entitle the applicant to proceed with the improvement.

If the Building Inspector or designee, upon examination of the application, finds that the application is not complete, or other information is necessary before a decision can be rendered thereon, the Building Inspector may request the additional information from the applicant without the necessity of obtaining a new application or fee.

If the Building Inspector or designee, finds that the improvement applied for does not conform to the Ordinances of the City of Sturgis or the laws of the State of South Dakota, he/she shall reject the application by noting that fact upon the application and returning one copy of the application to the applicant. The other copy of the application shall be retained in the files of the Building Inspector.

#### **2.03.11: EXPIRATION OF PERMIT**

Any Permit issued prior to the effective date of this Ordinance shall expire within one year following the effective date of this ordinance.

Any Permit issued under this Title for building of a residence shall expire one year (365 days) from the date of issuance. Any Permit issued under this title for the purpose of constructing any commercial building shall expire two years (730 days) from the date of issuance. No building shall be done under authority of any expired Permit. If the improvement is not completed on the expiration date, a further application for a Permit to complete such structure may be made under the same procedure set forth herein for obtaining the original Permit.

### **2.03.12: PERMIT MUST BE POSTED**

A Permit which has been lawfully issued shall be posted in a conspicuous place upon the premises at all times from the beginning until the completion of such construction, alteration or repair. No person shall do any building in the City without the Permit posted as required.

### **2.03.13: CERTIFICATE OF OCCUPANCY**

No owner may cause or allow a newly constructed or remodeled building to be occupied, or allow the premises of a remodeled building to be occupied, after a change of occupancy classification as defined in the Building Code has occurred, unless the owner shall first obtain a Certificate of Occupancy from the Building Inspector. Upon completion of the building, remodeling, or prior to change of occupancy, if the building is found to be in compliance with the City of Sturgis Ordinances and laws of the State of South Dakota by the Building Inspector, the Certificate of Occupancy shall be provided. No person shall permit a newly constructed or remodeled structure with a change of Classification Use to be occupied without first obtaining an occupancy Certificate as provided herein.

### **2.03.15: REQUIREMENTS FOR TEMPORARY STRUCTURES**

The following requirements shall apply to all temporary structures, except those specifically exempted above.

- A. The structural frame of all temporary structures shall be made of steel, aluminum, PVC or wood. If constructed of wood, the smallest wood member shall not be less than 2" by 4" in width.
  - 1. Wood used for the interior and exterior skins of a temporary structure may be as follows: 1/2" plywood, 1/2" chipboard, or particleboard.
  - 2. Wood, as defined above, may also be used for shelving temporary structure.
  - 3. Tarps, which are utilized on temporary structures, which are occupied by temporary merchants, shall be flame retardant or flame resistant as defined in this Ordinance. All tarps not complying with this ordinance shall be removed.
- B. All temporary structures shall be removed upon expiration of the time limit stated on the Temporary Structure permit.
- C. If the structure is not removed by the expiration date stated on the permit, the City may remove the structure without further notice to the owner and shall charge the cost of the removal to the owner. At the time the permit is issued, the Building Inspector or his designee shall provide the owner with a copy of this Ordinance. The owner or occupant of the temporary structure shall sign the permit, which will constitute sufficient notice that the structure shall not be placed for more than 30 days. The City may bring action in magistrate or circuit court for the recovery of costs incurred for the removal of said structure or structures.
- D. In the event that a structure erected pursuant to this Section is not removed by the expiration date and the City is forced to make repeated contacts with the owner of the property upon which the structure is erected or the individual who applied for the permit, the Building Inspector shall not issue subsequent permits under this Section to the owner of the property for the location unless the Building Inspector has reached an agreement with the owner of the property to assure the owner's future compliance with any temporary structures erected at that location.

- E. Temporary structures or appendages thereof shall not be placed closer than 5'0" to any public alley. (Exception: When the property owner provides a permanent barrier which is a minimum height of 5'0" between the temporary structure and the public right of way, the temporary structure may be placed closer than 5'0" to the public right of way. No sales may be permitted through the permanent barrier.)
- F. The permit hereinbefore described may be suspended or revoked if at any time the structure or its occupants are in violation of the Ordinances of the City of Sturgis or the laws of the State of South Dakota.
- G. Temporary structures may not be used for housing permanent or seasonal businesses unless within the exemption of subsection 2.03.16.

#### **2.03.16: EXEMPT TEMPORARY STRUCTURES**

After a Permit application has been received, the following temporary structures shall be exempt from the requirements set forth in the preceding Section.

- A. A temporary structure being used for the purpose of a temporary office during a construction project;
- B. A temporary structure being used for the purpose of a realty office in a new development;
- C. Temporary storage buildings used in conjunction with a permanent retail or wholesale business or residence, provided that said structures meet the setback requirements for the zoning district in which they are placed; and shall not exceed 120 Sq. Feet.
- D. Temporary storage buildings owned by a business that rents or sells them at one location to the general public.
- E. In conjunction with a permanent business as defined herein, the permanent business shall be allowed one (1) Temporary Structure to be located on the property. Furthermore, the business operating in or from the Temporary Structure shall be selling or vending items of like nature to which the permanent business sells or vends.

### **CHAPTER 2.04**

#### **LICENSING AND REGULATION OF CONSTRUCTION CONTRACTORS**

##### **SECTIONS:**

- 2.04.01: License Required for Construction
- 2.04.02: Application of Chapter
- 2.04.03: Application for Contractor's License
- 2.04.04: Insurance Required for Construction
- 2.04.05: Contractor License Fee
- 2.04.06: Contractor License Term and Renewal
- 2.04.07: Required Inspections
- 2.04.08: Notice and Cost of Inspections

#### **02.04.01: LICENSE REQUIRED FOR CONSTRUCTION**

No person shall perform construction work within the City, on any property other than the person's current primary residence, or property for which the person meets the requirements of a Qualified Owner, until he/she has applied for and obtained a Contractor License from the Building Inspector's Office. Construction work subject to this requirement shall include but is not

limited to framing, moving or replacing cabinets or millwork, replacement of roofing, doors, windows; installation or repair of insulation, sound systems, flooring, carpets, wall coverings, paint subfloor or floor coverings of vinyl, tile or stone; retaining walls or fences with a height at or above four (4) feet above the original grade; placement or installation of paving or walkway material (such as concrete, blacktop, paving stones, etc.) or other material for use as a non-natural walking or driving surface. To qualify for an exemption from this license requirement, all construction work described in the permit must be performed by the person claiming the exemption, or by a legal employee working in the presence of and under the direct supervision of either the residential owner or, for non-residential property, in the presence of and under the direct supervision of the Qualified Owner.

#### **2.04.02: APPLICATION OF CHAPTER**

For purposes of this Chapter, construction work shall not include electrical work, plumbing work or work completed by a person on a residential structure owned and occupied by said person as their primary residence.

#### **2.04.03: APPLICATION FOR CONTRACTOR LICENSE**

To obtain a license from the Building Inspector, the applicant must make application to the Inspection Office in duplicate on forms to be furnished by the City. All requested information must be included and any incomplete application will not be processed and the license shall not be issued. Said application shall contain or be accompanied by the following information:

- A. The applicant's name, address and phone number;
- B. The name, address, and phone number of the company in whose name the application is being made, if different than set forth above;
- C. Proof of any state licenses held by the applicant;
- D. The applicant's state excise tax number;
- E. Proof of insurance as required by subsection 2.04.04;
- F. Payment of applicable fee; and
- G. Verification of any State required bond.

#### **2.04.04: INSURANCE REQUIRED FOR CONSTRUCTION**

Any applicant desiring to be licensed as a contractor shall be required to produce a certificate of insurance stating that the applicant has manufactures contractors liability insurance, including products and completed operations and property damage insurance; in the amount not less than One Million Dollars (\$1,000,000.00) per occurrence with an aggregate of not less than two million dollars (\$2,000,000). The insurance requirements set forth in this Section shall be maintained during the term of the license. Failure to maintain the required insurance may result in suspension or revocation of any license issued.

Any applicant claiming an exemption from the Contractor License requirement as a Qualified Owner for work to be done on of non-residential property, shall be required to produce a certificate of insurance stating that the applicant has general liability and property damage insurance coverage in the amount not less than One Million Dollars (\$1,000,000) per occurrence with an aggregate of not less than two million dollars (\$2,000,000). In the alternative the required coverage may be based on the value of the work stated in the Permit application, as approved by the Building Inspector.

An applicant claiming an exemption as a Qualified Owner shall also provide, as required by law, proof of coverage for workers' compensation insurance for any and all of applicant's employees, working under applicant's supervision, at the job site stated in the Permit application. The insurance requirements set forth in this Section shall be maintained during the term of the Permit.

Failure to maintain the required insurance may result in suspension or revocation of any Permit issued.

**2.04.05: CONTRACTOR LICENSE FEE**

With the application for a Contractor's License, said applicant shall pay a fee of One Hundred and Twenty Five Dollars (\$125.00).

**2.04.06: CONTRACTOR LICENSE TERM AND RENEWAL**

Any Contractor license issued shall be valid for twelve calendar months from the date of issuance. Any license may be renewed by the licensee prior to expiration by submitting a completed application and the necessary fee to the Building Inspector. Upon a determination by the Building Inspector that the application is in compliance with all applicable Sections of this Title, the license shall be issued. Any person working within the City with an expired license shall be considered to be unlicensed in violation of this Title.

**2.04.07: REQUIRED INSPECTIONS**

Due to the fact that inspections vary depending on whether the project is or includes a structure, street, sewer, water, etcetera, contractors shall be required to contact the Building Inspector's Office to acquire a list of required inspections for each individual project. In the event any contractor fails to call for an inspection, the project may be stopped until an inspection can be made.

The specific inspections required for each project shall be determined by the Building Inspector's Office. The Building Inspector's Office should include guidelines with the Manual of Construction Guidelines, addressing the type of inspections needed for certain projects. However the Building Inspector's Office shall maintain the discretion and authority to require any necessary testing and/or inspections depending on any individual project.

**2.04.08: NOTICE AND COST OF INSPECTIONS**

A minimum of twenty-four (24) hours' notice shall be given prior to any required inspection. The cost for an inspection shall be as set forth in the following schedule of Inspection Fees:

- Inspections outside of normal business hours ..... \$50.00/hr  
(Minimum charge – 1 hrs.)
- Inspections made on a holiday ..... \$50.00/hr  
(Minimum charge – 2 hrs.)
- Re-inspection fees ..... \$50.00/hr  
(Minimum charge – ½ hr.)
- Inspections for which no fee is specifically indicated ..... \$50.00/hr  
(Minimum charge – 1 hr.)
- Additional plan review required by changes, additions,  
or revisions to plans ..... \$50.00/hr  
(Minimum charge – 1/2hr.)
- For use of outside consultants for plan checking,  
inspections or both ..... Actual cost

All Inspection Fees shall be collected by the Building Inspection's Office and remitted to the City Finance Office.

**CHAPTER 2.05  
ELECTRICAL CONTRACTOR LICENSE**

**SECTIONS:**

- 2.05.01: License Required for Electrical Construction
- 2.05.02: Application for Electrical Construction License
- 2.05.03: Electrical Construction License Term and Renewal
- 2.05.04: Insurance Required for Electrical Construction
- 2.05.05: Electrical Construction Fees
- 2.05.06: Public Liability Not Created

**2.05.03: ELECTRICAL CONSTRUCTION LICENSE TERM AND RENEWAL**

Any license issued shall be valid for twelve calendar months from the date of issuance. Any license may be renewed by the licensee prior to its expiration by submitting a completed application and the necessary fee to the Building Inspector. Upon a determination by the Building Inspector that the application is in compliance with all applicable Sections of this Title, the license shall be issued. Any person completing work under an expired license shall be considered to be unlicensed in violation of this Title.

**2.05.04: INSURANCE REQUIRED FOR ELECTRICAL CONSTRUCTION**

Any applicant desiring to be licensed as an electrical contractor shall be required to produce a certificate of insurance naming the City of Sturgis as the holder stating that the applicant has contractors liability insurance, including products and completed operations and property damage insurance; in the amount not less than One Million Dollars (\$1,000,000.00) per occurrence with an aggregate of not less than two million dollars (\$2,000,000). The insurance requirements set forth in this Section shall be maintained during the term of the license. Failure to maintain the insurance may result in suspension or revocation of any license issued.

**2.05.05: ELECTRICAL CONSTRUCTION FEES**

Upon making application for an Electrical Construction License, said applicant shall pay the applicable fee as set forth below:

- A. Electrical Contractor: \$125.00

**2.05.06: PUBLIC LIABILITY NOT CREATED**

Consistent with the provisions of SDCL 36-16-36, this Chapter shall not be construed to relieve from or reduce the responsibility or liability of any party owning, operating, controlling, installing, altering, or repairing any electrical system or equipment for damages or injuries to persons or property nor shall the City be held as assuming any liability by reason of any of the Sections of this Chapter.

**CHAPTER 2.06  
PLUMBING CONTRACTOR LICENSE**

**SECTIONS:**

- 2.06.01: License Required for Plumbing Construction
- 2.06.02: Application for Plumbing Construction License
- 2.06.03: Plumbing Construction License Term and Renewal
- 2.06.04: Insurance Required for Plumbing Construction
- 2.06.05: Plumbing Construction License Fees

**2.06.01: LICENSE REQUIRED FOR PLUMBING CONSTRUCTION**

No person shall perform plumbing construction work within the limits of the City, on any property other than the person's primary residence until he/she is licensed by the State to perform such work as described in the South Dakota State Plumbing laws, and obtains a Plumbing Construction License from the Building Inspector's Office.

**2.06.03: PLUMBING CONSTRUCTION LICENSE TERM AND RENEWAL**

Any license issued shall be valid for twelve calendar months from the date of issuance. Any license may be renewed by the licensee prior to its expiration by submitting a completed application and the necessary fee to the Building Inspector. Upon a determination by the Building Inspector that the application is in compliance with all applicable Sections of this Title, the license shall be issued. Any person completing work under an expired license shall be considered to be unlicensed in violation of this Title.

**2.06.04: INSURANCE REQUIRED FOR PLUMBING CONSTRUCTION**

Any applicant desiring to be licensed as a plumbing contractor shall be required to produce a certificate of insurance naming the City of Sturgis as the holder, stating that the applicant has contractor's liability insurance, including products and completed operations and property damage insurance; in the amount not less than One Million Dollars (\$1,000,000.00) per occurrence with an aggregate of not less than two million dollars (\$2,000,000). The insurance requirements set forth in this Section shall be maintained during the term of the license. Failure to maintain the insurance may result in suspension or revocation of any license issued.

**2.06.05: PLUMBING CONSTRUCTION LICENSE FEES**

Upon making application for a Plumbing Construction License, said applicant shall pay the applicable fee as set forth below:

- A. Plumbing Contractor/Sewer and Water Installer Contractor: \$125.00

**CHAPTER 2.07  
BUILDING AND STRUCTURE MOVER LICENSE**

**SECTIONS:**

- 2.07.01: License Required for Moving Buildings or Structures
- 2.07.02: Application for License
- 2.07.03: Insurance Required
- 2.07.04: Fee
- 2.07.05: Permit Required Before Moving
- 2.07.06: New Building or Mobile Home

**2.07.02: APPLICATION FOR LICENSE**

Any person requesting to be licensed as a building and structure mover, shall make written application therefore to the Building Inspector. Said application shall include or be accompanied by the following information:

- A. The name, address and telephone number of the Applicant;
- B. Payment of applicable fee;
- C. Verification of required insurance coverage

Any license issued under this Chapter shall be effective for a period of one year from the date of issuance.

**2.07.03: INSURANCE REQUIRED**



Any applicant desiring to be licensed as a Building Moving contractor shall be required to produce a certificate of insurance naming the City of Sturgis as the holder, stating that the applicant has manufactures contractors liability insurance, including products and completed operations and property damage insurance; in the amount not less than One Million Dollars (\$1,000,000.00) per occurrence with an aggregate of not less than two million dollars (\$2,000,000). The insurance requirements set forth in this Section shall be maintained during the term of the license. Failure to maintain the insurance may result in suspension or revocation of any license issued.

#### **2.07.05: PERMIT REQUIRED BEFORE MOVING**

Before the owner of any building or structure shall be authorized to have a building or structure moved within the City by a licensed building and structure mover, he or she shall obtain a permit. Said owner shall make written application to the Building Inspector's Office and said application shall include or be accompanied by the following information:

- A. Name, address and phone number of the owner;
- B. Name, address and phone number of the licensed building and structure mover;
- C. A description of the route to be taken in so moving the building or structure;
- D. The date and time of the proposed move; and
- E. The length of time the move is expected to take.

In determining whether or not to issue the permit, the Building Inspector shall take into consideration any applicable Section of this Title and/or Title 18 relating to planning and zoning and determine if the building or structure proposed to be moved would have a final location ~~is~~ in compliance with the standards set forth in this Title, and Title 18. The Building Inspector shall also take into consideration the proposed route and whether or not said route is the most reasonable route to be taken for the proposed move.

#### **2.07.06: NEW BUILDING OR MOBILE HOME**

Any owner of a new building or structure for which a building permit has been issued by the Building Inspector, or a mobile home as defined in Title 18, shall be required to obtain a permit pursuant to this Chapter before said new building or structure may be moved into the City.

### **CHAPTER 2.08 LICENSING AND REGULATION OF PUBLIC EXCAVATION**

#### **SECTIONS:**

- 2.08.01: License Required for Excavators
- 2.08.02: Application for Excavation Construction License
- 2.08.03: Excavation License Term and Renewal
- 2.08.04: Insurance Required for Excavation
- 2.08.05: Excavation Permit Fees
- 2.08.06: Permit Required Before Each Excavation
- 2.08.07: Excavation near Streets
- 2.08.08: Obstruction of Sewer Pipes, Manholes, Water Mains or Appurtenances
- 2.08.09: Excavation must be refilled
- 2.08.10: Failure to Comply
- 2.08.11: **Bond** Non-Applicable to Utility Companies
- 2.08.12: Barricades, Guards, Lights, Etc. Required

#### **2.08.02: APPLICATION FOR EXCAVATION CONSTRUCTION LICENSE**

To obtain a license from the Building Inspector, the applicant must make application to the Inspection Office in duplicate on forms to be furnished by the City. All requested information must be included and any incomplete application will not be processed and the license shall not be issued. Said application shall include or be accompanied by the following:

- A. The applicant's state excise tax number;
- B. Proof of required insurance;
- C. The applicant's name, address and phone number;
- D. Payment of applicable fee of \$125.00;
- E. The name, address and phone number of the applicant's contact person.

#### **2.08.03: EXCAVATION LICENSE TERM AND RENEWAL**

Any license issued shall be valid for twelve calendar months from the date of issuance. Any license may be renewed by the licensee prior to its expiration by submitting a completed application and the necessary fee to the Building Inspector. Upon a determination by the Building Inspector that the application is in compliance with all applicable Sections of this Title, the license shall be issued. Any person completing work under an expired license shall be considered to be unlicensed in violation of this Title.

#### **2.08.04: INSURANCE REQUIRED FOR EXCAVATION**

Any applicant desiring to be licensed as a excavating contractor shall be required to produce a certificate of insurance naming the City of Sturgis as the holder, stating that the applicant has contractors liability insurance, including products and completed operations and property damage insurance; in the amount not less than One Million Dollars (\$1,000,000.00) per occurrence with an aggregate of not less than two million dollars (\$2,000,000). The insurance requirements set forth in this Section shall be maintained during the term of the license. Failure to maintain the insurance may result in suspension or revocation of any license issued.

#### **2.08.05: EXCAVATION PERMIT FEES**

For each separate excavation project or job, the licensee shall submit a permit form at the location and in the manner established by the Building Inspector, and shall submit a permit fee for each such application of \$150.00.

#### **2.08.08: OBSTRUCTION OF SEWER PIPES, MANHOLES, WATER MAINS OR APPURTENANCES**

A contractor shall ensure that no sewer pipes, manholes, water mains or appurtenances that are part of the sewer system, shall be damaged in the process of making an excavation. If damage of any kind occurs during excavation, the licensee person shall compensate the City for the damage, including but not limited to compensation for the cost of any necessary repairs.

#### **2.08.09: EXCAVATION MUST BE REFILLED**

In refilling any excavation, the earth shall be thoroughly and completely compacted using machine compacting equipment. When the licensee has completely refilled it, the surface of the excavation shall not be any higher or lower than the original surface when the excavations were commenced and settling will be at a minimum. The licensee shall be completely responsible for any settling of any ditches that occur. In the event of any settling, the excavator shall be required to refill the ditch and compact it in such manner that the surface when refilled shall not be any higher or lower than the original surface when the excavations were commenced. The licensee shall, as soon as possible and in no case longer than 30 days after the start of such excavation, completely restore the street, alley, sidewalk, or other public place to the same condition as it was prior to the making of such excavation.

In the event that the surface is of concrete or asphalt, the licensee shall be required to replace the concrete or asphalt which is disturbed because of the excavation. In the event that the surface is a maintained lawn, the licensee shall be required to replace the lawn with sod approved by the City. The width of the patch shall be at least two (2) feet wider than the width of the actual excavation, if the excavation is two (2) feet or less. The width of the patch shall be at least four (4) feet wider than the actual excavation, if the excavation is more than two (2) feet wide. In the event that the surface is of concrete or asphalt, all openings in the concrete or asphalt shall be mechanically cut with a saw.

If any settling of the ditch occurs within two (2) years after the excavation is backfilled, the licensee shall, at his or her expense, be required to remove the patch, if applicable, compact the ditch and replace the surface. The licensee shall be responsible for maintaining the excavation from the time the excavation is backfilled until the surface is restored. This maintenance shall include periodic visual inspection of the excavation to insure that the excavation is not settling or the fill is not being pushed out of the excavation due to, or from, traffic.

All excavations shall, at all times, be at the same surface elevation as the original surface when the excavation was commenced and no excavation shall become a hazard for vehicular travel or pedestrian traffic. In the event that it comes to the attention of the City that any excavation is, or presents, a hazard to vehicular traffic or pedestrian traffic, the City shall call the telephone number noted on the permit application and advise the licensee of the problem. The licensee shall have a period of twenty-four (24) hours from the time of the telephone call to repair the excavation so as to eliminate the hazard. Notice under this provision shall be deemed to have been given by the City at the time the first call is made to the telephone number of the licensee, regardless of whether personal contact is made with the licensee as a result of the telephone call. In the event that the licensee refuses or neglects to repair the hazard within the twenty-four (24) hour period, the City shall have the right to have its crews repair the hazard and the licensee shall be responsible for all costs of labor, material, and machinery in making the required repairs. The licensee shall pay the cost of these required repairs within thirty (30) days of the date he or she is billed for the services. In the event the licensee does not pay within thirty (30) days, the City will not issue any additional permits pursuant to this Title to the licensee until payment is received by the City in full. If payment is not received by the City within thirty (30), days of the date of billing, the City may proceed with a claim made against the licensee pursuant to this Chapter. Said noncompliance and failure to pay may also result in revocation of the License issued pursuant to this Chapter.

#### **2.08.10: FAILURE TO COMPLY**

If at any time after the issuance of an Excavation Permit, the Building Inspector shall find that the work does not pass a satisfactory test, or has not been timely or properly refilled, maintained, and restored to its original conditions, Building Inspector shall notify the licensee in writing of the failure.

If the deficiency does not constitute a hazard to vehicular traffic or pedestrian traffic, the licensee shall have a period of twenty (20) days from the date of the written notification of the problem to correct or alleviate the problem. If the licensee does not correct or alleviate the problem within said twenty (20) day time period, the City shall have the right to have to do the required repair and charge the licensee for the labor, material, and equipment time in making the repairs. The City shall send a statement to the licensee notifying him or her of the charges pursuant to this Section and the Excavator shall have a period of thirty (30) days to pay the charges in full. In the event that payment is not made within thirty (30) days, no further permits shall be issued pursuant to Section 2.08.05 above until charges pursuant to this Section are paid in full. If the charges are

not paid to the City within sixty (60) days after the date of billing, the City shall have the right to obtain full reimbursement or restitution from the licensee.

**2.08.11: BOND NON-APPLICABLE TO UTILITY COMPANIES**

No utility company which has been granted, by franchise or contract, the right to use the streets, alleys or other public places, shall be required to furnish bond for making any excavations in any public right-of-ways; provided that all Sections of this Chapter relating to excavations in public right-of-ways shall be binding upon such companies.

**2.08.12: BARRICADES, GUARDS, LIGHTS, ETC. REQUIRED**

Any person making any excavation within the city on either public or private ground, shall, during the progress and continuance of the work, erect, keep and maintain about and around the same by day and night, suitable guards and fences, lanterns and signals as to prevent injury to any person, animal, or vehicle on account of such excavation. The requirements of this Section shall be performed in accordance with the requirements set forth in the Manual on Uniform Traffic Control Devices.

**CHAPTER 2.09  
REVOCATION OF LICENSES**

**SECTIONS:**

2.09.01: Authority to Revoke License

2.09.02: Revocation Process

**2.09.01: AUTHORITY TO REVOKE LICENSE**

The Building Inspector or designee shall have the authority to revoke any license issued pursuant to this Title based upon any one or a combination of the following:

- A. Incompetence in the Contractor's performance of the work for which the person is licensed;
- B. Failure to comply with applicable City Ordinances, including adopted Building Codes;
- C. Failure to comply with applicable State Laws;
- D. Failure to pay applicable fees;
- E. Failure to submit or renew bond and/or insurance requirements.
- F. Significant number of complaints regarding the Contractor's failure to meet Building Code or City Ordinance requirements during the term of the Contractor's license

**2.09.02: REVOCATION PROCESS**

Any decision of the Building Inspector or designee to revoke a license issued under this Chapter shall be provided in writing with an explanation to the Licensee. Said Licensee may appeal the decision of the Building Inspector as set forth Chapter 2.13 within this Title.

**CHAPTER 2.10  
FENCES**

**SECTIONS:**

2.10.01: Material Requirements for Fences

2.10.02: Height, Setback, and Construction Requirements for Fences

2.10.03: Permit Required for Fences

2.10.04: Application for Permit for Fences

2.10.05: Fee for Fence Permit

2.10.06: Unsafe or Hazardous Fences

### **2.10.01: MATERIAL REQUIREMENTS FOR FENCES**

Fences may be constructed only as provided in this Chapter of natural material in its living state or of the following factory manufactured materials:

- A. Wood; subject to the following conditions or limitations:
  - 1. Wood which has a natural resistance to decay, such as redwood or cypress, or treated wood, may be used.
  - 2. Wood in its natural state shall not be used for posts.
- B. Hedges; subject to the following conditions or limitations:
  - 1. Hedges shall not be located in the first twenty-five feet (25'0") of any required front yard on an interior lot.
  - 2. Hedges located on a corner lot shall not be located within twenty-five feet (25'0") of the property corner abutting the right-of-way intersection.
  - 3. All hedges shall be maintained in a neat and orderly fashion and must be kept clean of all trash and other materials.
  - 4. When the Chief of Police, Building inspector or Code Enforcement Officer finds a hedge is causing a public safety hazard (visibility) the hazard shall be removed immediately upon notification by the Code Enforcement to the property owner.
- F. Prohibited Materials:
  - 1. Wood in its natural state shall not be used for posts.
- G. Other materials may be approved by the Building Inspector when the Building Inspector has determined that the alternate material meets or exceeds the requirements of the above materials.

### **2.10.02: HEIGHT, SET BACK AND CONSTRUCTION REQUIREMENTS FOR FENCES**

The following requirements shall apply to all fences located within the City.

- A. No fence wall or hedge shall be permitted over the height of six feet (6'0") unless approved by the Planning Commission and City Council.
- B. On any interior lot, a fence, wall, hedge, or lawn ornament which is above the height of four foot (4 ft) and is opaque in nature shall not be permitted within the first twenty five feet (25'0") of any required front yard.
- C. On any corner lot, a fence, wall, hedge, or lawn ornament which is above the height of three foot (3') and is opaque in nature shall not be permitted within a site triangle which measures twenty-five feet (25'0") back in both directions from the property corner abutting an intersection.
- D. All fences must be constructed to manufacturer's recommendations or to industry standards and shall be capable of withstanding an eighty (80) mile an hour wind, as per the Building Code.

If any owner of record fails to abate a non-conforming or unsafe fence, wall, or hedge within 30 days after receipt of written notice from the Building Inspector or designee, certified mail, return receipt requested, the City shall have the right to go upon the property and abate the violation

without further notice to the owner or occupant of record. The City may recover its costs of abatement as set forth in Title 36 or in any court of competent jurisdiction

#### **2.10.03: PERMIT REQUIRED FOR FENCES**

In addition to the requirements of subsection 2.10.02, before any person may erect or cause to be erected or constructed a fence four (4) feet or more above the natural grade of the site within the City, he or she must first obtain a building permit from the Building Inspector. The only two exceptions to this requirement are if a temporary structure permit has been issued for the fence or if a plan for which a building permit has been issued includes the full description, location and statement of value of the fence to be constructed.

#### **2.10.06: UNSAFE OR HAZARDOUS FENCES**

If at any time, in the opinion of the Building Inspector, a fence, wall, or hedge becomes unsafe to the public or person occupying the property, the City may order the fence removed. The time given to remove an unsafe fence, wall or hedge shall not exceed thirty (30) days from the date of notice. A fence shall be considered to be an unsafe or hazardous under the following circumstances, however, the City may find a fence is unsafe or hazardous under other circumstances not specifically listed herein:

- A. Whenever any portion of the fence, its appurtenance or its members has been damaged by fire, wind, flood, or other cause to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe.
- B. Whenever the fence, its appurtenance or its members or portion thereof is creating a traffic hazard because of visibility as determined under the setback requirements of Title 18 or by the Building Inspector.

### **CHAPTER 2.12 MISCELLANEOUS**

#### **SECTIONS:**

- 2.12.01: Stair Railings and Grates
- 2.12.02: Permit to Place Building Material on Street
- 2.12.03: Removal of Decaying or Burned Building
- 2.12.04: Use of Concrete and Other Debris as Fill on Publicly Dedicated Rights-of-Way Prohibited
- 2.12.05: Operation of Vehicles with Lugs, Ice Spurs, or Similar
- 2.12.06: Operation of Construction Equipment or Vehicle Equipped with Outriggers

#### **2.12.02: PERMIT TO PLACE BUILDING MATERIAL ON STREET**

No person shall deposit and keep lumber, stone, brick or other materials for building in any public street, road, or alley, without a permit. Any person desiring to do the above mentioned shall make written application to Department of Planning and Permitting. The Department of Planning and Permitting shall have the power to issue a permit granting the permit holder the authority to keep lumber, stone, brick or other materials for building in the requested public area for a period not to exceed six months. The issuing of a permit shall also be subject to such other conditions or limitations, as the Department of Planning and Permitting may deem necessary under the circumstances. Before issuing any permit, the Department of Planning and Permitting shall take into consideration the free flow of vehicular and pedestrian traffic, the proper drainage of water, and the safety of persons and property and reasonable input from other City staff.

#### **2.12.03: REMOVAL OF DECAYING OR BURNED BUILDING**

Whenever, in the opinion of the Building Inspector, any building within the City shall have been damaged by fire, building collapse, decay or otherwise, to the extent of 50 percent of the value thereof, it shall be the duty of the Building Inspector to report the same in writing to the City Manager as a likely violation of Title 12 and/or Title 18. The report shall be in writing and include a description of the building, its location, the circumstances of damage, decay or dilapidation, and the name of the owner, if known. The Department of Planning and Permitting may issue a notice to be served upon the owner if within the state, or in case of his absence from the state, upon his agent if there be one, requiring said owner to respond in writing within 15 days and show cause why said building should not be torn down or removed by the owner. In case the owner cannot be found within the state, and there is no agent present, then said notice may be published in the official City newspaper once in the weekly issues of such newspaper. Upon completion of such publication and due proof thereof, placed on file with the Finance Officer, service of said notice shall be deemed valid and complete.

### **CHAPTER 2.13 APPEAL PROCESS**

Any person aggrieved by a decision made by the Building Inspector, or other Department Head under this Title shall be entitled to have said decision reviewed by the City Manager before any appeal to the City Council. The process shall be as follows:

- A. Any person aggrieved by a decision of the Building Inspector, designee or other Department Head under this Title shall first file a written request for review with the City Manager setting forth the basis for which he or she believes the decision to be in error. The writing shall also include the person's name and mailing address.
- B. Upon receipt of a written request for review, the City Manager shall review the decision and mail a written response to the aggrieved person within twenty (20) days.
- C. If the aggrieved person is not satisfied with the decision of the City Manager following review, he or she may file a notice of appeal with the City Finance Officer. There shall be no fee assessed for filing the appeal.
- D. Upon receipt of a notice of appeal, the Finance Officer shall notify the City Council and a public hearing shall be held at a regularly scheduled Council meeting within thirty (30) days after the date said appeal was filed. The City Finance Office shall provide notice to the person, at the mailing address they have provided, specifying the time, date, and location of the hearing.
- E. The City Council may notify the aggrieved person of its decision following the hearing, however, the Council shall issue a written decision to the person within twenty (20) days of the hearing. The Council may affirm or reverse the decision of the Building Inspector.

Dated this 21<sup>st</sup> of November, 2016.

First reading: 11-07-2016

Second reading: 11-21-2016

Adopted: 11-21-2016

Published: 12-07-2016

Effective: 12-28-2016

Motion by Martinson, second by Anderson and carried with all members present voting yes to approve second reading of Ordinance 2016-11 – Title 6 – Cemetery.

**ORDINANCE 2016-11**  
**AN ORDINANCE AMENDING TITLE 6- CEMETERY**

**TITLE 6**  
**CEMETERY**

BE IT ORDAINED by the Common Council of the City of Sturgis, Meade County, South Dakota that Title 6 –Cemetery Chapter 6.02 Administration and Finances-Section 6.02.02- Administration; 6.02.04 - Procedure for the Sale of Cemetery Lots. Chapter 6.03 –Interment and Disinterment- Section 6.03.03- Limitations upon Interment; Section 6.03.04 - Multiple Cremains; Section 6.03.06 - Supervision by Cemetery Sexton; Section 6.03.09 – Disinterment; Section 6.03.11 – Graves; Section 6.03.13 - Memorials: Control by Cemetery Sexton. Chapter 6.04 General Rules, Regulations, and Provisions- Section 6.04.08 - Planting or Removal of Trees and Shrubs Prohibited Without Permission; Section 6.04.06- Authority to Remove Harmful Trees or Shrubs; Section 6.04.12- Other Materials Placed on Graves; Section 6.04.16 - Duty of Cemetery Sexton to Enforce; Section 6.04.17 - Grave Repair and Maintenance amended to read as follows:

Chapters:

- 6.01: General Provision
- 6.02: Administration and Finances
- 6.03: Interment and Disinterment
- 6.04: General Rules, Regulations, and Provisions

**Chapter 6.01**  
**GENERAL PROVISION**

SECTIONS:

- 6.01.01: Scope and Purpose
- 6.01.02: Definitions
- 6.01.03: Penalty

**Chapter 6.02**  
**ADMINISTRATION AND FINANCES**

SECTIONS:

- 6.02.01: Power and Responsibility of the City in relation to the Bear Butte Cemetery
- 6.02.02: Administration
- 6.02.03: Fiscal Management
- 6.02.04: Procedure for the Sale of Cemetery Lots
- 6.02.05: Purchaser to Agree
- 6.02.06: Reclaiming and Resale of Lots by the City of Sturgis
- 6.02.07: Restrictions on the Resale of Lots
- 6.02.08: Records

**6.02.02: ADMINISTRATION**

The officials who shall have the duties with regard to the care, operation and maintenance of the Bear



Butte Cemetery are as follows:

- A. Cemetery Manager: The City Manager shall appoint a Cemetery Manager who may also be the City Finance Officer. The Cemetery Manager shall be in charge of the sale of all Cemetery lots, the receipt and disposition of all fees or money gifts or deposits, the establishment and control over all Cemetery funds, the issuance of Certificates of Purchase, and the issuance of all burial removal permits. Said Manager shall keep a complete set of records as required in the Title. Said Manager shall be responsible for the enforcement of the provisions of the Title, and he or she shall perform all other applicable duties as set forth in Sturgis City Ordinances.
- B. Cemetery Sexton: The Cemetery Sexton shall be in charge of all work done at the Cemetery, and he or she shall see that said work is done in conformance with the regulations herein provided. Said Cemetery Sexton shall be in charge of all interments and disinterment and shall carry out his or her responsibilities and all regulations related thereto which are herein provided.
- C. Certificates of Purchase: Shall be issued for no other purpose than the burial of human dead.

#### **6.02.04 PROCEDURE OF THE SALE OF CEMETERY LOTS**

Any person desiring to purchase a Cemetery lot or lots shall do so by paying the required fee to the City office determined by the City Manager for such lot or lots desired. The lots in such Cemetery shall be sold according to the plans and specifications on file in the City Finance Office. The cost of any lot shall be paid in full by check or cash. Upon the full payment of the required fee for the sale of a lot or lots, the City shall issue to the purchaser a receipt, known as a Certificate of Purchase, which shall entitle said purchaser to all the right and responsibilities herein provided, but shall not give title to said purchaser of said lot or lots.

The selling price of all lots shall be as follows (plus all applicable sales tax):

	<u>Administration</u>	<u>Perpetual Care</u>	<u>Totals</u>
ADULT	\$175.00	\$140.00	\$315.00
INFANT	\$40.00	\$85.00	\$125.00
CREMATION	\$40.00	\$85.00	\$125.00

No burial shall be permitted in any lot until the purchase price and perpetual care has been fully paid to the City.

### **Chapter 6.03 INTERMENT AND DISINTERMENT**

#### **SECTIONS:**

6.03.01: Interments, Etcetera, Subject to State Law Also

6.03.02: No Interments or Disinterments until full Compliance with Laws

- 6.03.03: Limitations upon Interment
- 6.03.04: Multiple Cremains
- 6.03.05: Application for Permit for Interment
- 6.03.06: Supervision by Cemetery Sexton
- 6.03.07: No Removal of Body without Lawful Authority
- 6.03.08: Adequate Notice to be given
- 6.03.09: Disinterment
- 6.03.10: Disinterment By Order of Court or Coroner
- 6.03.11: Graves
- 6.03.12: Cremated Remains to be Disposed of Pursuant to State Law
- 6.03.13: Memorials: Control by Cemetery Sexton
- 6.03.14: Memorial Maintenance
- 6.03.15: Cemetery may Correct Placement Errors
- 6.03.16: Funerals in Charge of Licensed Funeral Directors

### **6.03.03: LIMITATIONS UPON INTERMENT**

All interments in lots shall be restricted to members of the immediate family, or relatives of the owners or purchaser thereof, unless a notarized, written document from the lot owner or their heirs stating their wishes to the contrary is filed with the City Finance Officer. Only one body shall be allowed in each grave except in the event where permission is obtained from the City Manager or designee of the City. No adult cremains shall be allowed in an infant lot.

### **6.03.04: MULTIPLE CREMAINS**

The number of cremains per lot shall be at the discretion of the City Manager or designee. Any memorial for multiple interments must be flush with the ground.

The charges for opening and closing are as follows (plus all applicable sales tax):

A.	Adult grave:	\$275.00
B.	Infant grave:	\$75.00
C.	Cremation grave:	\$75.00

Fees for weekend and holiday grave opening and closing are as follows (plus all applicable sales tax):

A.	Adult grave:	\$310.00
B.	Infant grave:	\$100.00
C.	Cremation grave	\$100.00

A statement of fees for opening and closing graves, and for other services as herein provided, shall be delivered to the funeral director in charge of the funeral on or before the 15<sup>th</sup> day of the month following the funeral and the fees set in said billing shall be paid to the City by the funeral director on or before the 30<sup>th</sup> day of the month. If the application is found to be in order, the City Finance Officer may issue said permit. In the absence of said City Finance Officer, the City Deputy Finance Officer may issue said permit. No grave shall be dug without said permit being first issued and record made thereof. Any person may make said application only when the lot owner or purchaser has given his permission for interment, and said applicant must be able to furnish proof of such permission to the City Finance Officer or funeral director at the time the application is made.

**6.03.06: SUPERVISION BY CEMETERY SEXTON**

All graves shall be dug by or under the supervision of the Cemetery Sexton, but only after a burial permit, as provided above, has been properly secured.

**6.03.09 DISINTERMENT**

Any lot owner or purchaser or next of kin of the deceased desiring a disinterment must make proper application for a permit to do so to the State of South Dakota and to the City Finance Officer and shall pay the proper charges for such disinterment. The charges are as follows (plus all applicable sales tax):

**Weekday:**

A.	Adult grave:	\$350.00
B.	Infant grave:	\$125.00
C.	Cremation grave	\$125.00

**Weekends and Holidays:**

A.	Adult grave:	\$400.00
B.	Infant grave:	\$175.00
C.	Cremation grave:	\$175.00

No disinterment shall be made and no permit issued, except as otherwise provided, until such fees are fully paid. Disinterment shall be made only by the Cemetery Sexton and only upon presentation of the required permit from the City Finance Officer. No permit for the removal of any body shall be issued except upon presentation of the written permission of the lot owner or next of kin of the deceased, unless otherwise herein provided or otherwise provided by state law. The requirement herein as to written permission of the lot owner or next of kin and the payment of the proper charges shall not be required where such disinterment is made by reason of the failure of the purchaser of a lot under contract to complete payment therefore, and the City has elected to remove any body to a single grave lot as permitted by such contract of purchase.

**6.03.11: GRAVES**

Graves shall be located at least 6 inches within the lot boundaries as follows:

	<u>Adult Graves</u>	<u>Infant Graves</u>	<u>Cremains</u>
<u>Lot Size:</u>	5' X 10'	3' X 5'	Within designated lot
<u>Opening:</u>	42" X 8"	Container Size	Container Size
<u>Depth:</u>	5' - 51/2'	21/2' - 3'	21/2' - 3'

The grade established shall be on the level with surrounding or adjoining graves and compliance with the grade of all lots shall be determined by the Cemetery Sexton. No person four (4) years of age and over shall be buried in the Cemetery, unless the casket is enclosed in a concrete or steel container commercially manufactured and with a durability approved by the Parks Superintendent. No wooden, fiberglass or non-durable containers shall be allowed for any aged person.

**6.03.13: MEMORIALS: CONTROLLED BY CEMETERY SEXTON**

Any memorial or marker intended to be erected or placed on any grave or lot shall first be approved by the Cemetery Sexton as to the size, location on lot, foundations, and kind of stone to be used, and all such memorials, their erection, materials, and placement, must be in conformance with this chapter or with any rules or regulations hereafter established by the Common Council. All memorials shall have at least a 4" wash on all sides. All memorials placed as foot markers shall be flush with the ground. Surface vaults and ledgers will not be allowed in any new section that is developed.

## **Chapter 6.04**

### **GENERAL RULES, REGULATIONS, AND PROVISIONS**

#### **SECTIONS:**

- 6.04.01: Hours
- 6.04.02: Walking on Lots Lawns Prohibited
- 6.04.03: Injury to Trees, Shrubs and Memorials
- 6.04.04: Vehicles
- 6.04.05: Children under Twelve
- 6.04.06: Scattering of Rubbish Prohibited
- 6.04.07: Proper Conduct for Sacred Place
- 6.04.08: Planting or Removal of Trees and Shrubs Prohibited Without Permission
- 6.04.09: Authority to Remove Harmful Trees or Shrubs
- 6.04.10: Enclosures, Hedges, Grave Guards Prohibited
- 6.04.11: Vases – Regulations
- 6.04.12: Other Materials Placed on Graves
- 6.04.13: City not Responsible for Articles Left
- 6.04.14: Illegal to Remove Lawfully Placed Material
- 6.04.15: Curbing and Crushed Rock or Quartz
- 6.04.16: Duty of Cemetery Sexton to Enforce
- 6.04.17: Grave Repair and Maintenance

#### **6.04.08: PLANTING OR REMOVAL OF TREES AND SHRUBS PROHIBITED WITHOUT PERMISSION**

No trees or shrubs shall be planted in or removed from any lot, walk or lawn space without permission of the Cemetery Sexton.

#### **6.04.09: AUTHORITY TO REMOVE HARMFUL TREES OR SHRUBS**

In the event any tree or shrub or curbing situated on any lot shall become harmful to any adjacent lot or become unsightly or inconvenient, the Cemetery Sexton shall have the authority to cause the removal of the same.

#### **6.04.12: OTHER MATERIALS PLACED ON GRAVES**

Any flag or other decoration, funeral design, cut flowers and/or any other item placed on lots, graves or trees may be removed by the Cemetery Sexton or his or her designee when the same becomes unsightly or interferes with maintenance.

Any flowers and/or decorations for Memorial Day shall be removed within two (2) weeks following the holiday.

**6.04.16: DUTY OF CEMETERY SEXTON TO ENFORCE**

It shall be the expressed duty of the Cemetery Sexton to cause the provisions of this Title and any supplemental written policies to be enforced.

**6.04.17: GRAVE REPAIR AND MAINTENANCE**

Anyone planning to make improvements on lots or gravesites shall receive written permission from the Cemetery Sexton before the project is started.

Adopted this 21st day of November, 2016.

First reading: 11-07-2016

Second reading: 11-21-2016

Adopted: 11-21-2016

Published: 12-07-2016

Effective: 12-28-2016

Motion by Crane, second by Bradley and carried with all members present voting yes to approve second reading of Ordinance 2016-08 – Supplemental Appropriations for 2016 Budget.

**ORDINANCE 2016-08**

**AN ORDINANCE AMENDING ORDINANCE NO. 2015-09  
ANNUAL APPROPRIATIONS FOR THE YEAR 2016  
OF THE CITY OF STURGIS, MEADE COUNTY, SOUTH DAKOTA**

BE IT ORDAINED by the Common Council of the City of Sturgis, Meade County, South Dakota, that ordinance 2015-09 is amended so that the following amounts are hereby appropriated to meet the obligation of the municipality for the year 2016.

**General Fund 101****Mayor and Council**

4111-4220	Prof. Fees	\$25,000
4111-4230	Publishing	\$2,000
4111-4260	Supplies	\$1,000
4111-4280	Utilities	<u>\$2,000</u>

<b>Total</b>		<b><u>\$30,000</u></b>
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**Finance**

4142-4111	Wages	\$5,500
4142-4220	Prof. Fees	\$8,000
4142-4270	Travel	<u>\$2,000</u>
<b>Total</b>		<b><u>\$15,500</u></b>

**Planning & Permitting**

4196-4111	Wages	<b>\$20,000</b>
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**Sponsorship**

4198-42200	Prof. Fees	\$80,000
4198-42300	Publishing	\$25,000
4198-42400	Rental	\$10,000
4198-42900	Other	<u>\$52,500</u>

<b>Total</b>	<b>\$167,500</b>
<b>Police</b>	
4211-42200 Prof. Fees	\$10,782
4211-42500 Repairs & Maintenance	<u>\$10,000</u>
<b>Total</b>	<b>\$20,782</b>
<b>Dispatch</b>	
4218-4290 – Other (Software)	<b>\$70,000</b>
<b>Airport</b>	
4350-424340 – Machinery & Equipment	<u>\$24,000</u>
<b>Total for General Fund</b>	<b>\$347,782</b>
Source of Funding: Unappropriated cash, additional new revenue and donations.	
<b>Special Sales Tax</b>	
211-42800 – Utilities	<b>\$6,500</b>
Source of Funding: Unappropriated cash	
<b>Capital Improvements</b>	
212-4330 – Improvements	<b>\$964,000</b>
Source of Funding: Unappropriated cash and additional new revenue	
<b>Equipment Replacement</b>	
The following transfers from General Fund will be decreased by:	
<b>Finance</b>	<b>\$2,142</b>
<b>City Manager</b>	<b>\$1,785</b>
<b>Planning &amp; Permitting</b>	<b>\$3,571</b>
<b>Rally</b>	<b>\$2,142</b>
<b>Streets</b>	<b>\$44,776</b>
<b>Parks</b>	<u><b>\$25,816</b></u>
<b>Total for General Fund</b>	<b>\$80,232</b>
General Fund Administration fees will increase:	
<b>Wastewater</b>	<b>\$37,836</b>
<b>Water</b>	<b>\$28,847</b>
<b>Sanitation</b>	<b>\$104,697</b>
<b>Liquor</b>	<u><b>\$1,607</b></u>
<b>Total for increase in GF Admin fees</b>	<b>\$172,987</b>
Equipment Replacement transfers will decrease by:	
<b>Wastewater</b>	<b>\$37,836</b>
<b>Water</b>	<b>\$28,847</b>
<b>Sanitation</b>	<b>\$104,697</b>
<b>Liquor</b>	<u><b>\$1,607</b></u>
<b>Total for decrease in Equipment Replacement transfers</b>	<b>\$172,987</b>
Sales Tax changes:	
<b>General Fund Sales Tax will decrease</b>	<b>(\$253,219)</b>
<b>Equipment Replacement Fund will increase</b>	<b>\$253,219</b>

Adopted this 21<sup>st</sup> day of November, 2016.

First reading: 11-07-2016  
Second reading: 11-21-2016  
Adopted: 11-21-2016  
Published: 12-07-2016  
Effective: 12-28-2016

Motion by Waterland, second by Bradley and carried with all members present voting yes to approve second reading of Ordinance 2016-09 – Supplemental Appropriations for 2017 Budget.

# **ORDINANCE 2016-09**

## **AN ORDINANCE AMENDING ORDINANCE NO. 2016-07 ANNUAL APPROPRIATIONS FOR THE YEAR 2017 OF THE CITY OF STURGIS, MEADE COUNTY, SOUTH DAKOTA**

BE IT ORDAINED by the Common Council of the City of Sturgis, Meade County, South Dakota, that ordinance 2016-07 is amended so that the following amounts are hereby appropriated to meet the obligation of the municipality for the year 2017.

### **General Fund 101**

The following General Fund transfers will decrease by:

<b>Finance</b>	<b>\$2,207</b>
<b>City Manager</b>	<b>\$1,839</b>
<b>Planning &amp; Permitting</b>	<b>\$3,678</b>
<b>Rally</b>	<b>\$2,060</b>
<b>Streets</b>	<b>\$52,226</b>
<b>Parks</b>	<b><u>\$26,590</u></b>
<b>Total for General Fund</b>	<b><u>\$88,600</u></b>

General Fund Administration fees will increase:

<b>Wastewater</b>	<b>\$38,971</b>
<b>Water</b>	<b>\$31,230</b>
<b>Sanitation</b>	<b>\$103,277</b>
<b>Liquor</b>	<b><u>\$1,655</u></b>
<b>Total for increase in GF Admin fees</b>	<b><u>\$175,133</u></b>

Equipment Replacement transfers will decrease by:

<b>Wastewater</b>	<b>\$38,971</b>
<b>Water</b>	<b>\$31,230</b>
<b>Sanitation</b>	<b>\$103,277</b>
<b>Liquor</b>	<b><u>\$1,655</u></b>
<b>Total for decrease in Equipment Replacement transfer</b>	<b><u>\$175,133</u></b>

Sales Tax changes:

<b>General Fund Sales Tax will decrease</b>	<b>(\$263,733)</b>
<b>Equipment Replacement Fund will increase</b>	<b>\$263,733</b>

Equipment Replacement Fund

<b>219-9000-43400 – Machinery &amp; Equipment</b>	<b>\$263,733</b>
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The following Fund will be eliminated:

<b>331/618 – Storm Sewer</b>	<b>\$76,000</b>
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Water Fund Expenses will be increased by:

<b>602-4330-4111 – Wages</b>	<b>\$42,811</b>
<b>602-4330-4210 – Insurance</b>	<b>\$600</b>
<b>602-4330-4250 – Repairs</b>	<b>\$16,000</b>
<b>602-4330-4260 – Supplies</b>	<b>\$9,000</b>

<b>602-4330-4270 – Travel</b>	<b>\$1,000</b>
<b>602-4330-4290 – Other</b>	<b><u>\$6,589</u></b>
<b>Total for Water Fund</b>	<b><u>\$76,000</u></b>

Adopted this 21<sup>st</sup> day of November, 2016.

First reading: 11-07-2016  
Second reading: 11-21-2016  
Adopted: 11-21-2016  
Published: 12-07-2016  
Effective: 12-28-2016

Any other business:

Mayor Carstensen announced that Councilor Keszler is unable to attend the SEDC meetings and would one of the other Councilors want to attend? Councilor Waterland will attend the meeting on November 22<sup>nd</sup>.

Public Works Director Rick Bush gave the Council an update on the Main Street project.

Motion by Dargatz, seconded by Crane and carried with all members present voting yes to adjourn the meeting at 7:54 pm.

ATTEST: \_\_\_\_\_  
Fay Bueno, Finance Officer

APPROVED \_\_\_\_\_  
Mark Carstensen, Mayor

Published once at the total approximate cost of \$